IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 4:08-CR-00073-F-1

No. 4:16-CV-00189-F

RASHEEN GERARD BENJAMIN,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

)

Respondent.

This matter is before the court on Rasheen Gerard Benjamin's Motion to Vacate, Set

Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-24]. Having examined Benjamin's

motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United

States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing

Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned

§ 2255 motion within forty (40) days of the filing of this order.

Benjamin asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Suzanne Little with the Office of the Federal Public Defender has been appointed to represent Benjamin.

SO ORDERED.

This 5 day of July, 2016.

JAMES C. FOX

SENIOR UNITED STATES DISTRICT JUDGE